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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/883,440

**Applicant(s)**

DE LANGE ET AL.

**Examiner**

ANNAN Q. SHANG

**Art Unit**

2623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No./Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 04/01/08 have been fully considered but they are not persuasive.

With respect to the rejection of the last office action, Applicant discusses the prior arts of record and the claimed invention and further argues that the prior arts of record do not teach "enabling execution of the application of the stream associated with the channel in response to the occurrence of an enabling event indicating that the user is actively viewing the selected channel" (see page 8+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant's arguments, however, Peterka (6,948,183), teaches disabling application of the stream associated with the channel in response to a user selecting the channel (col.2, line 66-col.3, line 1+), i.e., disabling an ABC logo, message or navigation/guide information, in response to a user selecting NBC channel and further teaches that if the user is tuned to a particular channel, the user starts and stops other applications by interacting with the GUI, e.g., EPG applications, icon on the TV screen, on-line shopping, etc., "...occurrence of an enabling event, indication that the user is actively viewing the selected channel." (col.6, lines 27-52, col.7, lines 7-27, col.8, lines 53-61, col.9, lines 26-33, col.10, lines 16-26 and col.12, line 40-col.13, line 47). Hence, applicant's arguments are not persuasive. The rejection (including the 103) is proper meets all the claims limitations as repeated below. The amended claims do not overcome the prior art of record, Peterka.

With respect to the rejection using Blacketter (6,415,438), Blacketter clearly teaches, execution of the application of the stream associated with the channel is disabled in response to the user selecting the channel, and execution of the application of the stream associated with the channel is enabled in response to the occurrence of an enabling event (col.8, line 50-col.9, line 16), indicating that the user is actively viewing the selected channel and further depending on a period of time without user selection following the channel selection, execution an application present in the application, if any, of the stream associated with the selected channel (co.2, lines 25-36 and col.8, line 50-col.9, line 16). The user interacts with icons to display enhancement data on the tuned channel and furthermore other application are disabled upon channel selection, switching, changing, etc. Hence, applicant's arguments are not persuasive. The rejection (including the 103) is proper meets all the claims limitations as repeated below. The amended claims do not overcome the prior art of record, Blacketter. **This office action is made Final.**

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-6 and 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by (**Peterka 6,948,183**).

As to claim 1, note the **Peterka** reference figures 1-3, discloses dynamic security for digital TV receivers and further discloses a method of automatic execution of an application on a receiving station (Digital TV Receiver 'DTV' 160), comprising:

Receiving (Receiver 'R' 160) a signal comprising a plurality of streams, each stream being associated with a channel on the receiving station and comprising a content portion and zero or more application portions (fig.1, col.5, lines 12-30, lines 53-60 and col.6, line 37-col.7, line 30);

Receiving a channel selection from a user, displaying the content portion of the stream associated with the selected channel (col.7, lines 16-27 and lines 32-64), and

When execution of applications is enabled, executing an application present in the application portion if any, of the stream associated with the selected channel, characterized that:

Execution of the application of the stream associated with the channel is disabled in response to the user selecting the channel, and execution of the application of the stream associated with the channel is enabled in response to the occurrence of an enabling event, indicating that the user is actively viewing the selected channel and further depending on a period of time without user selection following the channel selection, execution an application present in the application, if any, of the stream

associated with the selected channel (col.8, lines 20-31, lines 53-61, col.12, lines 40-65, col.13, lines 10-47 and col.15, lines 30-35),

As to claim 3-5, Kikinis further discloses where enabling event comprises erasing an on-screen display element from a display system, where the on-screen display element is an identifier for the current channel and the on-screen display element is the last of a plurality of on-screen display elements being displayed (col.2, line 66-col.3, line 10 and col.8, lines 53-61).

As to claim 6, the claimed "a receiving station comprising..." contains the same structural elements as rejected in claim 1.

Claims 8-10 are met as previously discussed with respect to claims 3-5.

As to claim 11, the claimed "A method comprising..." contains the same structural elements as rejected in claim 1.

As to claim 12, the claimed "a receiving station comprising..." contains the same structural elements as rejected in claim 1.

Claims 13-14 are met as previously discussed with respect to claim 1.

4. Claims 1, 3-6 and 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by (**Blacketter et al (6,415,438)**).

As to claim 1, note the **Blacketter** reference figures 1-6, discloses trigger having a time attribute and further discloses a method of automatic execution of an application on a receiving station (WebTV or PC/TV Receiver 'R' 101/111), comprising:

Receiving (Receiver 'R' 101/111) a signal comprising a plurality of streams, each stream being associated with a channel on the receiving station and comprising a content portion and zero or more application portions (figs.1-6, col.1, lines 5-15, co.2, lines 25-36, col.4, lines 30-56 and col.8, lines 15-30);

Receiving a channel selection from a user, displaying the content portion of the stream associated with the selected channel (co.2, lines 25-36 and col.8, line 50-col.9, line 16), and

When execution of applications is enabled, executing an application present in the application portion if any, of the stream associated with the selected channel, characterized that:

Execution of the application of the stream associated with the channel is disabled in response to the user selecting the channel, and execution of the application of the stream associated with the channel is enabled in response to the occurrence of an enabling event, indicating that the user is actively viewing the selected channel and further depending on a period of time without user selection following the channel selection, execution an application present in the application, if any, of the stream associated with the selected channel (co.2, lines 25-36 and col.8, line 50-col.9, line 16),

As to claim 3-5, Blacketter further discloses where enabling event comprises erasing an on-screen display element from a display system, where the on-screen display element is an identifier for the current channel and the on-screen display element is the last of a plurality of on-screen display elements being displayed (co.2, lines 25-36 and col.8, line 50-col.9, line 16).

As to claim 6, the claimed "a receiving station comprising..." contains the same structural elements as rejected in claim 1.

Claims 8-10 are met as previously discussed with respect to claims 3-5.

As to claim 11, the claimed "A method comprising..." contains the same structural elements as rejected in claim 1.

As to claim 12, the claimed "a receiving station comprising..." contains the same structural elements as rejected in claim 1.

Claims 13-14 are met as previously discussed with respect to claim 1.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Peterka (6,948,183)** as applied to claims 1 and 6 above, in view of **Yuen (2002/0056086)**.

As to claim 2 and 7, Peterka fails to explicitly teach a timer which response to any user interaction with DTV-160.

However, note the **Yuen** reference figure 2, disclose methods and apparatus for gathering information regarding media user preferences and monitors any user's



interactions gathers information including amount of time a viewer spends, or does not spend, on a particular program or commercial (page 1, [0013-0016] and [0018]).

Therefore it would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate the teaching of Yuen into the system of Peterka to monitor the user's interactions with respect to time and target appropriate advertisements to specific users.

7. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over (**Blacketter et al (6,415,438)** as applied to claims 1 and 6 above, in view of **Yuen (2002/0056086)**).

As to claim 2 and 7, Blacketter fails to explicitly teach a timer which response to any user interaction with DTV-160.

However, note the **Yuen** reference figure 2, disclose methods and apparatus for gathering information regarding media user preferences and monitors any user's interactions gathers information including amount of time a viewer spends, or does not spend, on a particular program or commercial (page 1, [0013-0016] and [0018]).

Therefore it would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate the teaching of Yuen into the system of Blacketter to monitor the user's interactions with respect to time and target appropriate advertisements to specific users.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the **Electronic**

**Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from

a **USPTO Customer Service Representative or access** to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

**Annan Q. Shang**